

FIRST REGULAR SESSION

# SENATE BILL NO. 461

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOSTER.

Read 1st time February 28, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1844S.011

## AN ACT

To repeal sections 217.705, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof four new sections relating to probation and parole officers, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 217.705, 565.081, 565.082, and 565.083, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 217.705, 565.081, 565.082, and 565.083, to read as follows:

217.705. 1. The chairman shall appoint probation and parole officers and institutional parole officers as deemed necessary to carry out the purposes of the board.

2. Probation and parole officers shall investigate all persons referred to them for investigation by the board or by any court as provided by sections 217.750 and 217.760. They shall furnish to each offender released under their supervision a written statement of the conditions of probation, parole or conditional release and shall instruct the offender regarding these conditions. They shall keep informed of the offender's conduct and condition and use all suitable methods to aid and encourage the offender to bring about improvement in the offender's conduct and conditions.

3. The probation and parole officer may recommend and, by order duly entered, the court may impose and may at any time modify any conditions of probation. The court shall cause a copy of any such order to be delivered to the probation and parole officer and the offender.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

4. Probation and parole officers shall keep detailed records of their work and shall make such reports in writing and perform such other duties as may be incidental to those enumerated that the board may require. **In the event a parolee is transferred to another probation and parole officer, the written record of the former probation and parole officer shall be given to the new probation and parole officer.**

5. Institutional parole officers shall investigate all offenders referred to them for investigation by the board and shall provide the board such other reports the board may require. They shall furnish the offender prior to release on parole or conditional release a written statement of the conditions of parole or conditional release and shall instruct the offender regarding these conditions.

6. The department shall furnish probation and parole officers and institutional parole officers, including supervisors, with credentials and a special badge which such officers and supervisors shall carry on their person at all times while on duty.

565.081. 1. A person commits the crime of assault of a law enforcement officer [or], emergency personnel, **or probation and parole officer** in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement officer or emergency personnel.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.

3. Assault of a law enforcement officer [or], emergency personnel, **or probation and parole officer** in the first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer [or], emergency personnel, **or probation and parole officer** in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer [or], emergency personnel, **or probation and parole officer** by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to a law enforcement officer [or], emergency personnel, **or probation and parole officer** by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a law enforcement officer [or], emergency personnel, **or probation and parole officer**; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer [or], emergency personnel, **or probation and parole officer**;

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer [or], emergency personnel, **or probation and parole officer** by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a law enforcement officer [or], emergency personnel, **or probation and parole officer** in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a law enforcement officer [or], emergency personnel, **or probation and parole officer**.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.

3. Assault of a law enforcement officer [or], emergency personnel, **or probation and parole officer** in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony.

565.083. 1. A person commits the crime of assault of a law enforcement officer [or], emergency personnel, **or probation and parole officer** in the third degree if:

(1) Such person recklessly causes physical injury to a law enforcement officer [or], emergency personnel, **or probation and parole officer**;

(2) Such person purposely places a law enforcement officer [or], emergency personnel, **or probation and parole officer** in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a law enforcement officer [or], emergency personnel, **or probation and parole officer** without the consent of the law enforcement officer or emergency personnel.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of section

190.100, RSMo.

3. Assault of a law enforcement officer [or], emergency personnel, **or probation and parole officer** in the third degree is a class A misdemeanor.

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